Commonwealth of Kentucky
Environmental and Public Protection Cabinet
Department for Environmental Protection
Division for Air Quality
803 Schenkel Lane
Frankfort, Kentucky 40601
(502) 573-3382

FINAL

AIR QUALITY PERMIT

Issued under 401 KAR 52:030

Permittee Name:	**Lexmark International, Inc.**
Mailing Address:	**740 West New Circle Road** **Lexington, KY 40550**
Source Name:	**Lexmark International, Inc.**
Mailing Address:	**740 West New Circle Road** **Lexington, KY 40550**
Source Location:	**same as above**
Permit ID:	**F-06-061**
Agency Interest #:	**1058**
Activity ID:	**APE20040002**
Review Type:	**Conditional Major / Synthetic Minor**
Source ID:	**21-067-00012**
Regional Office:	**Frankfort Regional Office** **643 Teton Trail, Suite B** **Frankfort, KY 40601** **(502) 564-3358**
County:	**Fayette**
Application Complete Date:	**February 17, 2000**
Issuance Date:	**August 21, 2007**
Revision Date:	
Expiration Date:	**August 21, 2012**

John S. Lyons, Director
Division for Air Quality

Revised 8/4/06

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Rev #	Permit Type	Log #	Complete Date	Issuance Date	Summary of Actions
---	Initial Issuance, Conditional Major Permit (F-06-061)	APE200 40002	February 17, 2000	August 21, 2007	Initial Issuance, Conditional Major Permit (F-06-061)

SECTION A - PERMIT AUTHORIZATION

Pursuant to a duly submitted application the Kentucky Division for Air Quality hereby authorizes the operation of the equipment described herein in accordance with the terms and conditions of this permit. This permit has been issued under the provisions of Kentucky Revised Statutes Chapter 224 and regulations promulgated pursuant thereto.

The permittee shall not construct, reconstruct, or modify any affected facilities without first submitting a complete application and receiving a permit for the planned activity from the permitting authority, except as provided in this permit or in 401 KAR 52:030, Federally-enforceable permits for non-major sources.

Issuance of this permit does not relieve the permittee from the responsibility of obtaining any other permits, licenses, or approvals required by this Cabinet or any other federal, state, or local agency.

SECTION B - EMISSION POINTS, EMISSIONS UNITS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS

Plant Surface Coating

EP 9807 and EP 9808

Description: A batch research operation consisting of one (1) continuous process spray surface coating system pilot line, with two (2) spray booths (identified as EP 9807 and EP 9808) and one (1) conveyor. Each booth is equipped with four (4) automatic HVLP coating applicators and one electric drying oven.
Control Equipment for PM/PM10: Disposable mesh filters, estimated control efficiency is 97%
Estimated system transfer efficiency: Minimum of 15%
Maximum Coating Rate: 7.5 gal/hr (combined)
Construction Date: April 2005

EP 9810 and EP 9811

Description: One (1) batch process spray surface coating system pilot line, consisting of two (2) spray booths (identified as EP 9810 and EP 9811) and one (1) conveyor. Each booth is equipped with one (1) automatic spray applicator. Additional equipment includes lab hoods and electric drying ovens. Rubber rolls and similar plastic printer parts are coated in the spray booths using solvent and non-solvent based coatings.
Control Equipment for PM/PM10: Disposable mesh filters, estimated control efficiency is better than 97%
Estimated system transfer efficiency: 20%
Maximum Coating Rate: 3.2 gal/hr (combined)
Construction Date: November 2006

APPLICABLE REGULATIONS:

401 KAR 59:010, *New Process Operations*, applies to each affected facility associated with a process operation which is not subject to another emission standard with respect to particulates in Chapter 59 of 401 KAR commenced on or after July 2, 1975.

1. Operating Limitations:

The respective disposable mesh filters for surface coating booths EP 9807, EP 9808, EP 9810, and EP 9811 shall be in operation anytime the surface coating booths are in use. Also refer to **7. Specific Control Equipment Operating Conditions**.

SECTION B - EMISSION POINTS, EMISSIONS UNITS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS (CONTINUED)

2. Emission Limitations:

a. Pursuant to 401 KAR 59:010, Section 3(2), emissions of particulate matter from each surface coating booth shall not exceed 2.34 lb/hr.

b. Pursuant to 401 KAR 59:010, Section 3(1), the opacity of visible emissions from each surface coating booth shall not equal or exceed 20 percent.

Compliance Demonstration Method:

a. The surface coating booths (EP 9807, EP 9808, EP 9810, and EP 9811) shall be considered in compliance with paragraph 2.a when the control systems are operated in accordance with **1. Operating Limitations** and **7. Specific Control Equipment Operating Conditions**.

b. The surface coating booths (EP 9807, EP 9808, EP 9810, and EP 9811) shall be considered in compliance with paragraph 2.b by complying with **4. Specific Monitoring Requirements**, **5. Specific Recordkeeping Requirements**, and **6. Specific Reporting Requirements**.

3. Testing Requirements:

Pursuant to 401 KAR 59:005, Section 2(2) and 401 KAR 50:045, Section 1, performance testing using the Reference Methods specified in 401 KAR 50:015 shall be conducted as required by the Division.

4. Specific Monitoring Requirements:

The permittee shall perform a qualitative visual observation of the opacity of emissions from the surface coating booths' roof top vents at least once per operating month and maintain a log of the observations. If visible emissions from the vents are seen (not including condensed water vapor within the plume), then the opacity shall be determined by Reference Method 9. If emissions are in excess of the applicable opacity limit, then an inspection shall be initiated of the spray booth equipment and/or control equipment for all necessary repairs. The log shall note:

i. Whether any air emissions (except for water vapor) were visible from the vent/stack;
ii. All emission points from which visible emissions occurred; and
iii. Whether any repairs or maintenance of the surface coating booth equipment and/or control equipment was necessary.

5. Specific Recordkeeping Requirements:

The permittee shall keep the following records in a designated logbook or in an electronic format. Records shall be maintained for a minimum of five (5) years:

a. Monthly visible opacity observation records as specified in **4. Specific Monitoring Requirements**.

b. Method 9 opacity test results, if necessary.

SECTION B - EMISSION POINTS, EMISSIONS UNITS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS (CONTINUED)

6. Specific Reporting Requirements:

a. The permittee shall submit a copy of the surface coating booth equipment and/or control equipment inspection and repair log for those times when corrective actions are required, due to an opacity exceedance as noted in **4. Specific Monitoring Requirements**. When corrective actions are required due to an opacity exceedance, the permittee shall submit the following information from the control device inspection and repair log.

i. A description of the deviation;
ii. The date and time period of the deviation;
iii. Actions taken to correct the deviation; and
iv. A statement of the cause of each deviation.

b. Copies of these records shall be submitted as a part of the semiannual reporting as required in **Section F- Monitoring, Recordkeeping, and Reporting Requirements** (Conditions 5 and 6).

c. The permittee shall report any exceedances or excursions from emission limitations or operating limitations in accordance with **Section F- Monitoring, Recordkeeping, and Reporting Requirements**.

7. Specific Control Equipment Operating Conditions:

The disposable mesh filters for the surface coating booths EP 9807, EP 9808, EP 9810, and EP 9811, shall be maintained in accordance with the manufacturer's specifications.

8. Alternate Operating Scenario:

None

SECTION B - EMISSION POINTS, EMISSIONS UNITS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS (CONTINUED)

Two (2) Plant Boilers

EP 200-1 (--)

Description:	Cleaver Brooks Boiler, Model CB900-125LP
Fuel Type:	Natural gas-fired boiler with No. 2 fuel oil as a back-up fuel
Maximum Heat Input Rate:	5.25 MMBtu/hr
Control Device:	None
Construction Date:	March 1977

EP 808 (--)

Description:	Babcock & Wilcox Boiler, Model FM-10-61
Fuel Type:	Natural gas-fired boiler with No. 5 fuel oil as a back-up fuel
Maximum Heat Input Rate:	52.0 MMBtu/hr
Control Device:	None
Construction Date:	January 1974

APPLICABLE REGULATIONS:

401 KAR 59:015, *New Indirect Heat Exchangers*, applies to each new indirect heat exchanger which commenced operation on or after April 9, 1972 and having a heat input capacity of more than 1 MMBtu/hr but less than 250 MMBtu/hr.

Self-imposed limitations to preclude applicability of 401 KAR 52:020, *Title V Permit* and 401 KAR 51:017, P*revention of Significant Deterioration of Air Quality* (PSD).

1. Operating Limitations:

Refer to **Section D** for source-wide operating limitations.

2. Emission Limitations:

a. Pursuant to 401 KAR 59:015, Section 4(1)(b), particulate matter (PM) emissions from each of the boilers (EP 200-1 and EP 808) shall not exceed 0.10 lbs/MMBtu actual heat input, based on a three-hour average.

b. Pursuant to 401 KAR 59:015, Section 4(2), emissions from each boiler shall not exceed 20 percent opacity except:

i. A maximum of forty (40) percent opacity shall be permissible for not more than six (6) consecutive minutes in any sixty (60) consecutive minutes during cleaning the fire box or blowing soot; or

ii. For emissions from an indirect heat exchanger during building a new fire for the period required to bring the boiler up to operating conditions provided the method used is that recommended by the manufacturer and the time does not exceed the manufacturer's recommendations.

SECTION B - EMISSION POINTS, EMISSIONS UNITS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS (CONTINUED)

c. Pursuant to 401 KAR 59:015, Section 5(1)(b), sulfur dioxide (SO_2) emissions from each of the boilers (EP 200-1 and EP 808) shall not exceed 0.8 lbs/MMBtu actual heat input, based on a twenty-four-hour average.

d. Refer to **Section D** for source-wide emission limitations.

Compliance Demonstration Method:
These units shall be considered to be in compliance with the particulate matter, opacity and sulfur dioxide emission limitations in **2. Emission Limitations** while burning gaseous fuels.

These units shall be considered to be in compliance with the particulate matter, and sulfur dioxide emission limitations while burning liquid fuels, based on AP-42 emission factors and/or the fuel oil sulfur content limitation specified in **Section D - Source Emission Limitations and Testing Requirements**. Compliance with the opacity limitations in **2. Emission Limitations b.** shall be determined in accordance with **4. Specific Monitoring Requirements**. See **Section D** for additional source requirements.

3. Testing Requirements:
None

4. Specific Monitoring Requirements:

a. Once per calendar day, the permittee shall survey each boiler stack when burning No. 5 fuel oil or No. 2 fuel oil and maintain a daily log noting the following information:

i. Whether any air emissions were visible from any individual stack;
ii. All emission points from which visible emissions occurred; and
iii. Any corrective actions taken.

b. If no visible emissions are observed then no further observations are required. If visible emissions are observed, the permittee shall perform an EPA Reference Method 9 reading for emission points of concern. The opacity observed shall be recorded in a daily log. The reading shall be performed by a representative of the permittee certified in Visible Emissions Evaluations. The permittee shall maintain a list of all individuals that are certified Visible Emissions Evaluators and the date of certification.

c. Refer to **Section D** for additional source monitoring requirements.

5. Specific Recordkeeping Requirements:

a. The permittee shall keep the following records in a designated logbook or in an electronic format. Records shall be maintained for a minimum of five (5) years:

SECTION B - EMISSION POINTS, EMISSIONS UNITS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS (CONTINUED)

i. Method 9 opacity test results, if necessary; and
ii. Daily visible opacity observation records as specified in **4. Specific Monitoring Requirements**.

b. Refer to **Section D** for source recordkeeping requirements.

6. Specific Reporting Requirements:

a. The permittee shall report any exceedances or excursions from emission limitations or operating limitations in accordance with **Section F- Monitoring, Recordkeeping, and Reporting Requirements**.

b. Refer to **Section D** for additional source reporting requirements.

7. Specific Control Equipment Operating Conditions:

None

8. Alternate Operating Scenarios:

None

SECTION B - EMISSION POINTS, EMISSIONS UNITS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS (CONTINUED)

Five (5) Plant Boilers

EP 803 (--) - EP 807 (--)

Description:	Combustion Engineering Boiler, Model VP-21-11 (EP803 - EP806) Babcock & Wilcox Boiler, Model FM-10 #61B (EP807)
Fuel Type:	Natural gas-fired boiler; No. 5 fuel oil as a back-up fuel (each boiler)
Maximum Heat Input Rate:	52.0 MMBtu/hr (each boiler); Total heat input 260 MMBtu/hr
Control Device:	None
Construction Date:	October 1958 (EP803 - EP806), 1970 (EP807)

APPLICABLE REGULATIONS:

401 KAR 61:015, *Existing Indirect Heat Exchangers*, applies to each indirect heat exchanger with a heat input capacity of 250 MMBtu/hr or less and which commenced operation before April 9, 1972.

Self-imposed limitations to preclude applicability of 401 KAR 52:020, *Title V Permit* and 401 KAR 51:017, *Prevention of Significant Deterioration of Air Quality* (PSD).

1. Operating Limitations:

Refer to **Section D** for source operating limitations.

2. Emission Limitations:

a. Pursuant to 401 KAR 61:015, Section 4(1), particulate matter (PM) emissions from each of the boilers (EP 803 through EP 807) shall not exceed 0.335 lbs/MMBtu based on a three-hour average.

b. Pursuant to 401 KAR 61:015, Section 4(3), emissions from each boiler shall not exceed 40 percent opacity except:

i. A maximum of sixty (60) percent opacity shall be permissible for not more than six (6) consecutive minutes in any sixty (60) consecutive minutes during cleaning the fire box or blowing soot; or

ii. For emissions from an indirect heat exchanger during building a new fire for the period required to bring the boiler up to operating conditions provided the method used is that recommended by the manufacturer and the time does not exceed the manufacturer's recommendations.

c. Pursuant to 401 KAR 61:015, Section 5(1), sulfur dioxide (SO_2) emissions from each of the boilers (EP 803 through EP 807) shall not exceed 8.787 lbs/MMBtu based on a twenty-four-hour average.

d. Refer to **Section D** for source-wide emission limitations.

SECTION B - EMISSION POINTS, EMISSIONS UNITS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS (CONTINUED)

Compliance Demonstration Method:
These units shall be considered to be in compliance with the particulate matter, opacity and sulfur dioxide emission limitations in **2. Emission Limitations** while burning gaseous fuels.

These units shall be considered to be in compliance with the particulate matter, and sulfur dioxide emission limitations while burning liquid fuels, based on AP-42 emission factors and/or the fuel oil sulfur content limitation specified in **Section D - Source Emission Limitations and Testing Requirements**. Compliance with the opacity limitations in **2. Emission Limitations b.** shall be determined in accordance with **4. Specific Monitoring Requirements**. See **Section D** for additional source requirements.

3. Testing Requirements:
None

4. Specific Monitoring Requirements:

a. Once per calendar day, the permittee shall survey each boiler stack when burning No. 5 fuel oil and maintain a daily log noting the following information:

i. Whether any air emissions were visible from any individual stack;
ii. All emission points from which visible emissions occurred; and
iii. Any corrective actions taken.

b. If no visible emissions are observed then no further observations are required. If visible emissions are observed, the permittee shall perform an EPA Reference Method 9 reading for emission points of concern. The opacity observed shall be recorded in a daily log. The reading shall be performed by a representative of the permittee certified in Visible Emissions Evaluations. The permittee shall maintain a list of all individuals that are certified Visible Emissions Evaluators and the date of certification.

c. In accordance with 401 KAR 61:015, Section 6(3), the permittee shall perform daily monitoring of the fuel usage for the Boilers (EP 803 through EP 807) and the heating value and ash content of fuels shall be determined at least once per week.

d. Refer to **Section D** for additional source monitoring requirements.

5. Specific Recordkeeping Requirements:

a. The permittee shall keep the following records in a designated logbook or in an electronic format. Records shall be maintained for a minimum of five (5) years:

SECTION B - EMISSION POINTS, EMISSIONS UNITS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS (CONTINUED)

i. Method 9 opacity test results, if necessary;
ii. Daily visible opacity observation records as specified in **4. Specific Monitoring Requirements**; and
iii. Records in accordance with **4.c Specific Monitoring Requirements**.

b. Refer to **Section D** for additional source recordkeeping requirements.

6. Specific Reporting Requirements:

a. The permittee shall report any exceedances or excursions from emission limitations or operating limitations in accordance with **Section F- Monitoring, Recordkeeping, and Reporting Requirements**.

b. Refer to **Section D** for additional source reporting requirements.

7. Specific Control Equipment Operating Conditions:

None

8. Alternate Operating Scenarios:

None

SECTION B - EMISSION POINTS, EMISSIONS UNITS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS (CONTINUED)

EP 800 (--) and EP 810 (--)

Description:	EP 800 is comprised of twenty-one (21) diesel-fired emergency generators (plant ID Nos. 001-1, 001-2, 002-2, 005-2 (two emergency generators), 008-1, 009-1, 010-2, 013-1, 013-2, 021-1 (two generators), 032-1, 035-1, 046-1, 058-1, 058-2, 082-1 (two generators), 098-2, and 200-1); EP 810 is one (1) diesel-fired emergency fire pump.
Maximum Capacity:	4864.2 HP (EP 800), 400 HP (EP 810), 5,264.2 HP (combined)
Control Device:	None
Construction Dates:	Prior to July 11, 2005

APPLICABLE REGULATIONS:
401 KAR 52:030, *Federally Enforceable Permits for Non-major Sources*.

1. Operating Limitations:
The hours of operation for each of the twenty-one (21) diesel-fired emergency generators, identified as EP 800, and the one (1) diesel-fired emergency fire pump, identified as EP 810, shall be limited to less than five hundred (500) hours per twelve (12) consecutive month period, with compliance determined at the end of each month.

Compliance Demonstration Method:
See **4. Specific Monitoring Requirements** and **5. Specific Recordkeeping Requirements**.

2. Emission Limitations:
None

3. Testing Requirements:
None

4. Specific Monitoring Requirements:
The permittee shall monitor and record the hours of operation for the twenty-one (21) diesel-fired emergency generators and the one (1) diesel-fired emergency fire pump per month.

5. Specific Recordkeeping Requirements:
The total hours of operation for the twenty-one (21) diesel-fired emergency generators, and the one (1) diesel-fired emergency fire pump, per twelve (12) consecutive month period with compliance determined at the end of each month.

6. Specific Reporting Requirements:
The permittee shall report any exceedances or excursions from emission limitations or operating limitations in accordance with Section F- Monitoring, Recordkeeping, and Reporting Requirements.

SECTION B - EMISSION POINTS, EMISSIONS UNITS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS (CONTINUED)

7. Specific Control Equipment Operating Conditions:
None

8. Alternate Operating Scenarios:
None

SECTION B - EMISSION POINTS, EMISSIONS UNITS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS (CONTINUED)

EP 801 (--) and EP 802 (--)

Description:	Two (2) diesel-fired emergency generators each with a maximum capacity of 1,502 horsepower. The vendor's manufacturing date is after April 1, 2006, but prior to 2007. Each generator has an engine displacement of less than 10 liters per cylinder.
Maximum Capacity:	1,502 horsepower (each); 3,004 horsepower (combined)
Control Device:	None
Construction Date:	February, 2007

APPLICABLE REGULATIONS:

401 KAR 52:030, *Federally Enforceable Permits for Non-major Sources*.

40 CFR 60, Subpart IIII, *New Source Performance Standards for Stationary Compression Ignition Internal Combustion Engine,* is applicable to the two (2) emergency generators, identified as EP 801 and EP 802, because the units will be installed after July 11, 2005 and each generator has a vendor manufacturing date after April 1, 2006. Each generator has an engine displacement of less than 10 liters per cylinder. The provisions of the rule for emergency generators are included below.

1. Operating Limitations:

a. The hours of operation for the two (2) diesel-fired emergency generators, identified as EP 801 and EP 802, shall each be limited to less than five hundred (500) hours per twelve (12) consecutive month period, with compliance determined at the end of each month.

b. Pursuant to 40 CFR 60.4207(a), beginning October 1, 2007, owners and operators of stationary CI ICE subject to 40 CFR 60, Subpart IIII that use diesel fuel must use diesel fuel that meets the requirements of 40 CFR 80.510(a).

c. Pursuant to 40 CFR 60.4207(b), beginning October 1, 2010, owners and operators of stationary CI ICE subject to 40 CFR 60, Subpart IIII with a displacement of less than 30 liters per cylinder that use diesel fuel must use diesel fuel that meets the requirements of 40 CFR 80.510(b) for nonroad diesel fuel.

d. Pursuant to 40 CFR 60.4207(c), owners and operators of pre-2011 model year stationary CI ICE subject to 40 CFR 60, Subpart IIII may petition the Administrator for approval to use remaining non-compliant fuel that does not meet the fuel requirements of 40 CFR 60.4207(a) and 40 CFR 60.4207(b) beyond the dates required for the purpose of using up existing fuel inventories. If approved, the petition will be valid for a period of up to 6 months. If additional time is needed, the owner or operator is required to submit a new petition to the Administrator.

SECTION B - EMISSION POINTS, EMISSIONS UNITS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS (CONTINUED)

Compliance Demonstration Method:

a. The source shall demonstrate that the hours of operation for the two (2) diesel-fired emergency generators are each less than five-hundred (500) per twelve (12) consecutive month period.

b. Pursuant to 40 CFR 80.510(a), beginning June 1, 2007 all NRLM diesel fuel is subject to the following per-gallon standards:

   i. Sulfur content: 500 parts per million (ppm) maximum.
   ii. Cetane index or aromatic content, as follows:
      A. A minimum cetane index of 40; or
      B A maximum aromatic content of 35 volume percent.

c. Pursuant to 40 CFR 80.510(b), beginning June 1, 2010 all NR and LM diesel fuel is subject to the following per-gallon standards:
   i. Sulfur content.
      A. 15 ppm maximum for NR diesel fuel.
      B. 500 ppm maximum for LM diesel fuel.
   ii. Cetane index or aromatic content, as follows:
      A. A minimum cetane index of 40; or
      B. A maximum aromatic content of 35 volume percent.

d. Pursuant to 40 CFR 80.510(c), beginning June 1, 2012 all NRLM diesel fuel is subject to the following per-gallon standards:
   i. Sulfur content: 15 ppm maximum.
   ii. Cetane index or aromatic content, as follows:
      A. A minimum cetane index of 40; or
      B. A maximum aromatic content of 35 volume percent.

2. <u>Emission Limitations</u>:

a. Pursuant to 40 CFR 60.4205(a), owners and operators of pre-2007 model year emergency stationary CI ICE with a displacement of less than 10 liters per cylinder that are not fire pump engines must comply with the emission standards in table 1 to 40 CFR 60, Subpart IIII. The applicable emission limitations in table 1 are as follows:

SECTION B - EMISSION POINTS, EMISSIONS UNITS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS (CONTINUED)

TABLE 1 TO SUBPART IIII OF PART 60

[As stated in 40 CFR 60.4201(b), 40 CFR 60.4202(b), 40 CFR 60.4204(a), and 40 CFR 60.4205(a), you must comply with the following emission standards]

Maximum engine power	**Emission standards for stationary pre-2007 model year engines with a displacement of <10 liters per cylinder and 2007–2010 model year engines >2,237 KW (3,000 HP) and with a displacement of <10 liters per cylinder in g/KW-hr (g/HP-hr)**				
	NMHC + NOx	**HC**	**NOx**	**CO**	**PM**
KW>560 (HP>750)	N/A	1.3 (1.0)	9.2 (6.9)	11.4 (8.5)	0.54 (0.40)

Compliance Demonstration Method:

a. The source must demonstrate compliance with the following:

i. Pursuant to 40 CFR 60.4206, owners and operators of stationary CI ICE must operate and maintain stationary CI ICE that achieve the emission standards as required in 40 CFR 60.4204 and 40 CFR 60.4205 according to the manufacturer's written instructions or procedures developed by the owner or operator that are approved by the engine manufacturer, over the entire life of the engine.

ii. Pursuant to 40 CFR 60.4211(a), if you are an owner or operator and must comply with the emission standards specified in 40 CFR 60, Subpart IIII, you must operate and maintain the stationary CI internal combustion engine and control device according to the manufacturer's written instructions or procedures developed by the owner or operator that are approved by the engine manufacturer. In addition, owners and operators may only change those settings that are permitted by the manufacturer. You must also meet the requirements of 40 CFR parts 89, 94 and/or 1068, as they apply to you.

iii. Pursuant to 40 CFR 60.4211(b), if you are an owner or operator of a pre-2007 model year stationary CI internal combustion engine and must comply with the emission standards specified in 40 CFR 60.4204(a) or 40 CFR 60.4205(a), or if you are an owner or operator of a CI fire pump engine that is manufactured prior to the model years in table 3 to 40 CFR 60, Subpart IIII and must comply with the emission standards specified in 40 CFR 60.4205(c), you must demonstrate compliance according to one of the methods specified in paragraphs A through E below:

SECTION B - EMISSION POINTS, EMISSIONS UNITS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS (CONTINUED)

(A) Purchasing an engine certified according to 40 CFR part 89 or 40 CFR part 94, as applicable, for the same model year and maximum engine power. The engine must be installed and configured according to the manufacturer's specifications.

(B) Keeping records of performance test results for each pollutant for a test conducted on a similar engine. The test must have been conducted using the same methods specified in 40 CFR 60, Subpart IIII and these methods must have been followed correctly.

(C) Keeping records of engine manufacturer data indicating compliance with the standards.

(D) Keeping records of control device vendor data indicating compliance with the standards.

(E) Conducting an initial performance test to demonstrate compliance with the emission standards according to the requirements specified in 40 CFR 60.4212, as applicable.

iv. Pursuant to 40 CFR 60.4211(e), emergency stationary ICE may be operated for the purpose of maintenance checks and readiness testing, provided that the tests are recommended by Federal, State, or local government, the manufacturer, the vendor, or the insurance company associated with the engine. Maintenance checks and readiness testing of such units is limited to 100 hours per year. There is no time limit on the use of emergency stationary ICE in emergency situations. Anyone may petition the Administrator for approval of additional hours to be used for maintenance checks and readiness testing, but a petition is not required if the owner or operator maintains records indicating that Federal, State, or local standards require maintenance and testing of emergency ICE beyond 100 hours per year. For owners and operators of emergency engines meeting standards under 40 CFR 60.4205 but not 40 CFR 60.4204, any operation other than emergency operation, and maintenance and testing as permitted in 40 CFR 60.4211 is prohibited.

3. Testing Requirements:

a. Pursuant to 40 CFR 60.4212, owners and operators of stationary CI ICE with a displacement of less than 30 liters per cylinder who conduct performance tests pursuant to 40 CFR 60, Subpart IIII must do so according to the following:

i. The performance test must be conducted according to the in-use testing procedures in 40 CFR Part 1039, Subpart F.

SECTION B - EMISSION POINTS, EMISSIONS UNITS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS (CONTINUED)

ii. Exhaust emissions from stationary CI ICE that are complying with the emission standards for new CI engines in 40 CFR 89.112 or 40 CFR 94.8, as applicable, must not exceed the NTE numerical requirements, rounded to the same number of decimal places as the applicable standard in 40 CFR 89.112 or 40 CFR 94.8, as applicable, determined from the following equation:

NTE requirement for each pollutant = (1.25) x (STD) (Eq. 1)

Where:

STD = The standard specified for that pollutant in 40 CFR 89.112 or 40 CFR 94.8, as applicable.

Alternatively, stationary CI ICE that are complying with the emission standards for new CI engines in 40 CFR 89.112 or 40 CFR 94.8 may follow the testing procedures specified in 40 CFR 60.4213 of 40 CFR 60, Subpart IIII, as appropriate.

iii. Exhaust emissions from stationary CI ICE that are complying with the emission standards for pre-2007 model year engines in 40 CFR 60.4204(a), 40 CFR 60.4205(a), or 40 CFR 60.4205(c) must not exceed the NTE numerical requirements, rounded to the same number of decimal places as the applicable standard in 40 CFR 60.4204(a), 40 CFR 60.4205(a), or 40 CFR 60.4205(c), determined from the equation in paragraph (ii) above.

Where:

STD = The standard specified for that pollutant in 40 CFR 60.4204(a), 40 CFR 60.4205(a), or 40 CFR 60.4205(c).

Alternatively, stationary CI ICE that are complying with the emission standards for pre-2007 model year engines in 40 CFR 60.4204(a), 40 CFR 60.4205(a), or 40 CFR 60.4205(c) may follow the testing procedures specified in 40 CFR 60.4213, as appropriate.

b. Refer to **2. Emission Limitations**, *Compliance Demonstration Method* a. iii.

4. Specific Monitoring Requirements:

Pursuant to 40 CFR 60.4209(a), if you are an owner or operator of an emergency stationary CI internal combustion engine, you must install a non-resettable hour meter prior to startup of the engine.

SECTION B - EMISSION POINTS, EMISSIONS UNITS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS (CONTINUED)

5. Specific Recordkeeping Requirements:

The permittee shall keep the following records in a designated logbook or in an electronic format. Records shall be maintained for a minimum of five (5) years:

a. The total hours of operation for the two (2) diesel-fired emergency generators, per twelve (12) consecutive month period with compliance determined at the end of each month.

b. Refer to **2. Emission Limitations**, *Compliance Demonstration Method* a. iii.

c. Pursuant to 40 CFR 60.4214(b), if the stationary CI internal combustion engine is an emergency stationary internal combustion engine, the owner or operator is not required to submit an initial notification. Starting with the model years in table 5 to 40 CFR 60, Subpart IIII, if the emergency engine does not meet the standards applicable to non-emergency engines in the applicable model year, the owner or operator must keep records of the operation of the engine in emergency and non-emergency service that are recorded through the non-resettable hour meter. The owner must record the time of operation of the engine and the reason the engine was in operation during that time.

6. Specific Reporting Requirements:

a. The permittee shall report any exceedances or excursions from emission limitations or operating limitations in accordance with **Section F- Monitoring, Recordkeeping, and Reporting Requirements**.

b. Refer to **5.c Specific Recordkeeping Requirement**.

7. Specific Control Equipment Operating Conditions:

None

8. Alternate Operating Scenarios:

None

SECTION C - INSIGNIFICANT ACTIVITIES

The following listed activities have been determined to be insignificant activities for this source pursuant to 401 KAR 52:030, Section 6. While these activities are designated as insignificant the permittee must comply with the applicable regulation and some minimal level of periodic monitoring may be necessary.

Description of Activity	Generally Applicable Regulation
EP 9803 Chip Gluing	401 KAR 63:020
EP 153 and EP 155 Welding Booths	401 KAR 59:010
EP 156 Tool Grinding and Welding	401 KAR 59:010
EP 116 Welding Booth	401 KAR 59:010
EP 046-0 Analytical Lab	None
EP 046-1 Laboratory Hood	None
EP 046-3 Laboratory	None
EP 046-4 Analytical Lab	None
EP 046-7 Analytical Lab	None
EP 1032-3 Roll Monomer Coater	None
EP 1054 Welding Booth	401 KAR 59:010
EP 5816 Lab	None
EP 5817 Lab	None
EP 3209 Lab	None
EP 3210 Lab	None
EP 3237 Lab	None
EP 3239 Lab	None
EP 3240 Lab	None
EP 3242 Lab	None
EP 3243 Lab	None
EP 3245 Lab	None
EP 3256 – EP 3265 Labs	None
EP 209 and EP 210 Model Shops	None
EP 3501 Lab	None
EP 3502 Lab	None
EP 3504 Lab	None
EP 101 through EP 104 Model Shops	None
EP 106 Laser in Model Shop	None
EP 107 Model Shop	None
EP 809 Cooling Tower 1	401 KAR 63:010
EP 810 Cooling Tower 2	401 KAR 63:010
EP 811 Cooling Tower 3	401 KAR 63:010
EP 3266 Lab	None
EP 3267 Lab	None
EP 3268 Lab	None
EP 3269 Lab	None
EP 3270 Lab	None
EP 3601 Product Development Lab	None

SECTION C - INSIGNIFICANT ACTIVITIES (CONTINUED)

Description of Activity	Generally Applicable Regulation
EP 3272 Lab	None
EP 3273 Lab	None
EP 3274 Lab	None
EP 3602 Product Development Lab	None
EP 9801 Development Process	None
EP 9804 Pilot/Photo Lab and Reactive ION Etch	None
EP 9805 Wafer Clean and Coating	None
EP 200-4 Welding Booth	401 KAR 59:010
EP 1043 Ink Weighing	None
EP 1044 Electrostatic Ink Mixing	None
EP 1054 Welding Booth	401 KAR 59:010
EP 5815 Roll Lab	None

SECTION D - SOURCE EMISSION LIMITATIONS AND TESTING REQUIREMENTS

1. As required by Section 1b of the *Cabinet Provisions and Procedures for Issuing FESOP Permits* incorporated by reference in 401 KAR 52:030, Section 26; compliance with annual emissions and processing limitations contained in this permit, shall be based on emissions and processing rates for any twelve (12) consecutive months.

2. Particulate matter (PM/PM10), sulfur dioxide (SO_2), nitrogen oxides (NOx), and carbon monoxide (CO) emissions, as measured by methods referenced in 401 KAR 50:015, Section 1, shall not exceed the respective limitations specified herein.

3. **Source Emission Limitations:**

a. To preclude the applicability of 401 KAR 52:020, *Title V Permits*, and 401 KAR 51:017, *Prevention of Significant Deterioration of Air Quality*, total annual source-wide emissions shall not exceed the following specific limitations on a twelve (12) consecutive month basis:

i. Sulfur dioxide (SO_2) emissions: < 90 tons per year;
ii. Particulate matter, with a size of less than ten (10) micrometers (PM10), emissions: < 90 tons per year;
iii. Nitrogen oxides (NOx) emissions: < 90 tons per year; and
iv. Carbon monoxide (CO) emissions: < 90 tons per year.

b. The sulfur content of No. 5 fuel oil input to the Boilers (EP 803 through EP 808), shall not exceed 0.5% by weight.

c. The sulfur content of No. 2 fuel oil input to the Boiler (EP 200-1), shall not exceed 0.5% by weight.

d. The total emissions of nitrogen oxides (NO_x) from the Boilers (EP Nos. 200-1 and 803 through 808) shall be limited to less than fifty (50) tons per twelve (12) consecutive month period, with compliance determined at the end of each month.

***Compliance Demonstration Method*:**

The permittee shall demonstrate compliance with **3. Source Emission Limitations** as specified below. The permittee shall also comply with the operating and emission limitations specified in **Section B** for the listed emission points.

a. The total emissions of nitrogen oxides (NO_x) from the Boilers (EP Nos. 200-1 and 803 through 808) shall be limited by the following equation, with compliance determined at the end of each month:

SECTION D - SOURCE EMISSION LIMITATIONS AND TESTING REQUIREMENTS (CONTINUED)

NO_x Emissions (tons) = $\sum_{n=1}^{m}$ [$((FO5_B * 0.055) + (NG_B * 100) + (FO2_B * 0.02)) /2,000$]
< 50.0 tons per twelve (12) consecutive month period

Where,
n = Month Number (i.e. January = 1, February = 2, etc.);
m = Total Number of Months in Period;
$FO5_B$ = Usage of No. 5 Fuel Oil (gallons) for Boilers EP 803 through EP 808;
NG_B = Usage of Natural Gas (MMscf) for Boilers EP 803 through EP 808 and EP 200-1; and
$FO2_B$ = Usage of No. 2 Fuel Oil (gallons) for Boiler EP 200-1.

When combined with the Section B operating limitations for EP 800 (--), EP 801(--), EP 802(--) and EP 810 (--), compliance with the fuel usage restriction above shall limit the source-wide emissions of NO_x to less than 90 tons per year, based on AP-42 emission factors.

b. Compliance with the NO_x emission limitation of **3d. Source Emission Limitations** will also limit emissions of PM-10 and CO to less than 90 tons per year each. Compliance with the NO_x emission limitation of **3d. Source Emission Limitations** and the sulfur content limits of **3.b and 3c. Source Emission Limitations** will limit emissions of SO_2 to less than 90 tons per year.
c. The permittee shall demonstrate that the sulfur content of the No. 5 fuel oil for the Boilers (EP 803 through EP 808) does not exceed 0.5% by weight by providing vendor analysis of fuel delivered.
d. The permittee shall demonstrate that the sulfur content of the No. 2 fuel oil for the Boiler (EP 200-1) does not exceed 0.5% by weight by providing vendor analysis of fuel delivered.

4. Source Monitoring Requirements:

a. The permittee shall monitor and record total monthly and consecutive 12-month usage of No. 5 fuel oil and natural gas for Boilers EP 803 through EP 808.
b. The permittee shall monitor and record total monthly and consecutive 12-month usage of No. 2 fuel oil and natural gas for Boiler EP 200-1.

5. Source Recordkeeping Requirements:

The permittee shall maintain the following records which shall be made available within 30 days of the end of each compliance period and retained for at least five (5) years:

a. The permittee shall keep records of the total monthly and consecutive 12-month usage of No. 5 fuel oil and natural gas for Boilers EP 803 through EP 808.
b. The permittee shall keep records of the total monthly and consecutive 12-month usage of No. 2 fuel oil and natural gas for Boiler EP 200-1.

SECTION D - SOURCE EMISSION LIMITATIONS AND TESTING REQUIREMENTS (CONTINUED)

c. To document compliance with **3.a, b, c, and d. Source Emission Limitations**, the permittee shall maintain the following records:

i. Calendar dates covered in the compliance determination period;
ii. A certification, signed by the owner or operator, that the records of the fuel supplier certifications represent all of the liquid fuel combusted during the period;
iii. Fuel supplier certifications;
iv. The name of the fuel supplier;
v. A statement from the fuel supplier that certifies the sulfur content of the fuel oil.

6. Source Reporting Requirements:

a. The permittee shall submit a semiannual report to the Division's Frankfort Regional Office for the following:

i. A report of the usage of No. 5 fuel oil, the usage of natural gas, and the average fuel heat content for Boilers EP 803 through EP 808.
ii. A report of the usage of No. 2 fuel oil, the usage of natural gas, and the average fuel heat content for Boiler EP 200-1.

The semiannual report shall be submitted with the semiannual report required in **Section F.5** and the annual compliance certification required in **Section F.9.**

b. The permittee shall report exceedances or deviations of all operating and emission limitations to the Division's Frankfort Regional Office in accordance with **Section F-Monitoring, Recordkeeping, and Reporting Requirements**.

SECTION E - SOURCE CONTROL EQUIPMENT REQUIREMENTS

Pursuant to 401 KAR 50:055, Section 2(5), at all times, including periods of startup, shutdown and malfunction, owners and operators shall, to the extent practicable, maintain and operate any affected facility including associated air pollution control equipment in a manner consistent with good air pollution control practice for minimizing emissions. Determination of whether acceptable operating and maintenance procedures are being used will be based on information available to the Division which may include, but is not limited to, monitoring results, opacity observations, review of operating and maintenance procedures, and inspection of the source.

SECTION F - MONITORING, RECORDKEEPING, AND REPORTING REQUIREMENTS

1. Pursuant to Section 1b-IV-1 of the *Cabinet Provisions and Procedures for Issuing Federally-Enforceable Permits for Non-Major Sources* incorporated by reference in 401 KAR 52:030 Section 26, when continuing compliance is demonstrated by periodic testing or instrumental monitoring, the permittee shall compile records of required monitoring information that include:
   a. Date, place (as defined in this permit), and time of sampling or measurements;
   b. Analyses performance dates;
   c. Company or entity that performed analyses;
   d. Analytical techniques or methods used;
   e. Analyses results; and
   f. Operating conditions during time of sampling or measurement.

2. Records of all required monitoring data and support information, including calibrations, maintenance records, and original strip chart recordings, and copies of all reports required by the Division for Air Quality, shall be retained by the permittee for a period of five years and shall be made available for inspection upon request by any duly authorized representative of the Division for Air Quality [401 KAR 52:030 Section 3(1)(f)1a and Section 1a-7 of the *Cabinet Provisions and Procedures for Issuing Federally-Enforceable Permits for Non-Major Sources* incorporated by reference in 401 KAR 52:030 Section 26].

3. In accordance with the requirements of 401 KAR 52:030 Section 3(1)f the permittee shall allow authorized representatives of the Cabinet to perform the following during reasonable times:
   a. Enter upon the premises to inspect any facility, equipment (including air pollution control equipment), practice, or operation;
   b. To access and copy any records required by the permit:
   c. Sample or monitor, at reasonable times, substances or parameters to assure compliance with the permit or any applicable requirements.

   Reasonable times are defined as during all hours of operation, during normal office hours; or during an emergency.

4. No person shall obstruct, hamper, or interfere with any Cabinet employee or authorized representative while in the process of carrying out official duties. Refusal of entry or access may constitute grounds for permit revocation and assessment of civil penalties.

5. Summary reports of any monitoring required by this permit shall be submitted to the Regional Office listed on the front of this permit at least every six (6) months during the life of this permit, unless otherwise stated in this permit. For emission units that were still under construction or which had not commenced operation at the end of the 6-month period covered by the report and are subject to monitoring requirements in this permit, the report shall indicate that no monitoring was performed during the previous six months because the emission unit was not in operation [Sections 1b-V-1 of the *Cabinet Provisions and Procedures for Issuing Federally-Enforceable Permits for Non-Major Sources* incorporated by reference in 401 KAR 52:030, Section 26].

SECTION F - MONITORING, RECORDKEEPING, AND REPORTING REQUIREMENTS (CONTINUED)

6. The semi-annual reports are due by January 30th and July 30th of each year. All reports shall be certified by a responsible official pursuant to 401 KAR 52:030 Section 22. If continuous emission and opacity monitors are required by regulation or this permit, data shall be reported in accordance with the requirements of 401 KAR 59:005, General Provisions, Section 3(3). All deviations from permit requirements shall be clearly identified in the reports.

7. In accordance with the provisions of 401 KAR 50:055, Section 1 the owner or operator shall notify the Regional Office listed on the front of this permit concerning startups, shutdowns, or malfunctions as follows:
   a. When emissions during any planned shutdowns and ensuing startups will exceed the standards, notification shall be made no later than three (3) days before the planned shutdown, or immediately following the decision to shut down, if the shutdown is due to events which could not have been foreseen three (3) days before the shutdown.
   b. When emissions due to malfunctions, unplanned shutdowns and ensuing startups are or may be in excess of the standards, notification shall be made as promptly as possible by telephone (or other electronic media) and shall be submitted in writing upon request.

8. The owner or operator shall report emission related exceedances from permit requirements including those attributed to upset conditions (other than emission exceedances covered by Section F.7 above) to the Regional Office listed on the front of this permit within 30 days. Deviations from permit requirements, including those previously reported under F.7 above, shall be included in the semiannual report required by F.6 [Sections 1b-V, 3 and 4 of the *Cabinet Provisions and Procedures for Issuing Federally-Enforceable Permits for Non-Major Sources* incorporated by reference in 401 KAR 52:030 Section 26].

9. Pursuant to 401 KAR 52:030, Section 21, the permittee shall annually certify compliance with the terms and conditions contained in this permit by completing and returning a Compliance Certification Form (DEP 7007CC) (or an alternative approved by the regional office) to the Regional Office listed on the front of this permit in accordance with the following requirements:
   a. Identification of each term or condition;
   b. Compliance status of each term or condition of the permit;
   c. Whether compliance was continuous or intermittent;
   d. The method used for determining the compliance status for the source, currently and over the reporting period.
   e. For an emissions unit that was still under construction or which has not commenced operation at the end of the 12-month period covered by the annual compliance certification, the permittee shall indicate that the unit is under construction and that compliance with any applicable requirements will be demonstrated within the timeframes specified in the permit.

SECTION F - MONITORING, RECORDKEEPING, AND REPORTING REQUIREMENTS (CONTINUED)

f. The certification shall be postmarked by January 30th of each year. Annual compliance certifications shall be mailed to the following addresses:

Division for Air Quality Frankfort Regional Office 643 Teton Trail, Suite B Frankfort, KY 40601-1758	Division for Air Quality Central Files 803 Schenkel Lane Frankfort, KY 40601

10. In accordance with 401KAR 52:030, Section 3(1)(d), the permittee shall provide the Division with all information necessary to determine its subject emissions within thirty (30) days of the date the KYEIS emission survey is mailed to the permittee. If a KYEIS emission survey is not mailed to the permittee, then the permittee shall comply with all other emission reporting requirements in this permit.

11. The Cabinet may authorize the temporary use of an emission unit to replace a similar unit that is taken off-line for maintenance, if the following conditions are met:
    a. The owner or operator shall submit to the Cabinet, at least ten (10) days in advance of replacing a unit, the appropriate Forms DEP7007AI to DD that show:
        (1) The size and location of both the original and replacement units; and
        (2) Any resulting change in emissions;
    b. The potential to emit (PTE) of the replacement unit shall not exceed that of the original unit by more than twenty-five (25) percent of a major source threshold, and the emissions from the unit shall not cause the source to exceed the emissions allowable under the permit;
    c. The PTE of the replacement unit or the resulting PTE of the source shall not subject the source to a new applicable requirement;
    d. The replacement unit shall comply with all applicable requirements; and
    e. The source shall notify Regional office of all shutdowns and start-ups.
    f. Within six (6) months after installing the replacement unit, the owner or operator shall:
        (1) Re-install the original unit and remove or dismantle the replacement unit; or
        (2) Submit an application to permit the replacement unit as a permanent change.

SECTION G - GENERAL PROVISIONS

1. General Compliance Requirements

   a. The permittee shall comply with all conditions of this permit. A noncompliance shall be a violation of 401 KAR 52:030 Section 3(1)(b) and a violation of Federal Statute 42 USC 7401 through 7671q (the Clean Air Act). Noncompliance with this permit is grounds for enforcement action including but not limited to the termination, revocation and reissuance, revision, or denial of a permit [Section 1a-2 of the *Cabinet Provisions and Procedures for Issuing Federally-Enforceable Permits for Non-Major Sources* incorporated by reference in 401 KAR 52:030 Section 26].

   b. The filing of a request by the permittee for any permit revision, revocation, reissuance, or termination, or of a notification of a planned change or anticipated noncompliance, shall not stay any permit condition [Section 1a-5 of the *Cabinet Provisions and Procedures for Issuing Federally-Enforceable Permits for Non-Major Sources* incorporated by reference in 401 KAR 52:030 Section 26].

   c. This permit may be revised, revoked, reopened and reissued, or terminated for cause in accordance with 401 KAR 52:030 Section 18. The permit will be reopened for cause and revised accordingly under the following circumstances:
      (1) If additional applicable requirements become applicable to the source and the remaining permit term is three (3) years or longer. In this case, the reopening shall be completed no later than eighteen (18) months after promulgation of the applicable requirement. A reopening shall not be required if compliance with the applicable requirement is not required until after the date on which the permit is due to expire, unless this permit or any of its terms and conditions have been extended pursuant to 401 KAR 52:030 Section 12;
      (2) The Cabinet or the U. S. EPA determines that the permit must be revised or revoked to assure compliance with the applicable requirements;
      (3) The Cabinet or the U. S. EPA determines that the permit contains a material mistake or that inaccurate statements were made in establishing the emissions standards or other terms or conditions of the permit.

      Proceedings to reopen and reissue a permit shall follow the same procedures as apply to initial permit issuance and shall affect only those parts of the permit for which cause to reopen exists. Reopenings shall be made as expeditiously as practicable. Reopenings shall not be initiated before a notice of intent to reopen is provided to the source by the Division, at least thirty (30) days in advance of the date the permit is to be reopened, except that the Division may provide a shorter time period in the case of an emergency.

   d. The permittee shall furnish information upon request of the Cabinet to determine if cause exists for modifying, revoking and reissuing, or terminating the permit; or to determine compliance with the conditions of this permit [Sections 1a- 6 and 7 of the *Cabinet Provisions and Procedures for Issuing Federally-Enforceable Permits for Non-Major Sources* incorporated by reference in 401 KAR 52:030 Section 26].

SECTION G - GENERAL PROVISIONS (CONTINUED)

e. Emission units described in this permit shall demonstrate compliance with applicable requirements if requested by the Division [401 KAR 52:030 Section 3(1)(c)].

f. The permittee, upon becoming aware that any relevant facts were omitted or incorrect information was submitted in the permit application, shall promptly submit such supplementary facts or corrected information to the permitting authority [401 KAR 52:030 Section 7(1)].

g. Any condition or portion of this permit which becomes suspended or is ruled invalid as a result of any legal or other action shall not invalidate any other portion or condition of this permit [Section 1a-11 of the *Cabinet Provisions and Procedures for Issuing Federally-Enforceable Permits for Non-Major Sources* incorporated by reference in 401 KAR 52:030 Section 26].

h. The permittee shall not use as a defense in an enforcement action the contention that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance [Section 1a-3 of the *Cabinet Provisions and Procedures for Issuing Federally-Enforceable Permits for Non-Major Sources* incorporated by reference in 401 KAR 52:030 Section 26].

i. Except for requirements identified in this permit as state-origin requirements, all terms and conditions shall be enforceable by the United States Environmental Protection Agency and citizens. [Section 1a-12-b of the *Cabinet Provisions and Procedures for Issuing Federally-Enforceable Permits for Non-Major Sources* incorporated by reference in 401 KAR 52:030 Section 26].

j. This permit shall be subject to suspension if the permittee fails to pay all emissions fees within 90 days after the date of notice as specified in 401 KAR 50:038 Section 3(6) [Section 1a-9 of the *Cabinet Provisions and Procedures for Issuing Federally-Enforceable Permits for Non-Major Sources* incorporated by reference in 401 KAR 52:030 Section 26].

k. Nothing in this permit shall alter or affect the liability of the permittee for any violation of applicable requirements prior to or at the time of permit issuance [401 KAR 52:030 Section 11(3)].

l. This permit does not convey property rights or exclusive privileges [Section 1a-8 of the *Cabinet Provisions and Procedures for Issuing Federally-Enforceable Permits for Non-Major Sources* incorporated by reference in 401 KAR 52:030 Section 26].

m. Issuance of this permit does not relieve the permittee from the responsibility of obtaining any other permits, licenses, or approvals required by the Cabinet or any other federal, state, or local agency.

n. Nothing in this permit shall alter or affect the authority of U.S. EPA to obtain information pursuant to Federal Statute 42 USC 7414, Inspections, monitoring, and entry.

SECTION G - GENERAL PROVISIONS (CONTINUED)

o. Nothing in this permit shall alter or affect the authority of U.S. EPA to impose emergency orders pursuant to Federal Statute 42 USC 7603, Emergency orders.

p. This permit consolidates the authority of any previously issued PSD, NSR, or Synthetic Minor source preconstruction permit terms and conditions for various emission units and incorporates all requirements of those existing permits into one single permit for this source.

q. Pursuant to 401 KAR 52:030, Section 11, a permit shield shall not protect the owner or operator from enforcement actions for violating an applicable requirement prior to or at the time of permit issuance. Compliance with the conditions of this permit shall be considered compliance with:
(1) Applicable requirements that are included and specifically identified in this permit; and
(2) Non-applicable requirements expressly identified in this permit.

2. Permit Expiration and Reapplication Requirements

a. This permit shall remain in effect for a fixed term of five (5) years following the original date of issue. Permit expiration shall terminate the source's right to operate unless a timely and complete renewal application has been submitted to the Division at least six months prior to the expiration date of the permit. Upon a timely and complete submittal, the authorization to operate within the terms and conditions of this permit, including any permit shield, shall remain in effect beyond the expiration date, until the renewal permit is issued or denied by the Division [401 KAR 52:030 Section 12].

b. The authority to operate granted through this permit shall cease to apply if the source fails to submit additional information requested by the Division after the completeness determination has been made on any application, by whatever deadline the Division sets [401 KAR 52:030 Section 8(2)].

3. Permit Revisions

a. Minor permit revision procedures specified in 401 KAR 52:030 Section 14(3) may be used for permit revisions involving the use of economic incentive, marketable permit, emission trading, and other similar approaches, to the extent that these minor permit revision procedures are explicitly provided for in the SIP or in applicable requirements and meet the relevant requirements of 401 KAR 52:030 Section 14(2).

b. This permit is not transferable by the permittee. Future owners and operators shall obtain a new permit from the Division for Air Quality. The new permit may be processed as an administrative amendment if no other change in this permit is necessary, and provided that a written agreement containing a specific date for transfer of permit responsibility coverage and liability between the current and new permittee has been submitted to the permitting authority within ten (10) days following the transfer.

SECTION G - GENERAL PROVISIONS (CONTINUED)

4. Construction, Start-Up, and Initial Compliance Demonstration Requirements

   No construction authorized by this permit.

5. Testing Requirements

   a. Pursuant to 401 KAR 50:045 Section 2, a source required to conduct a performance test shall submit a completed Compliance Test Protocol form, DEP form 6028, or a test protocol a source has developed for submission to other regulatory agencies, in a format approved by the cabinet, to the Division's Frankfort Central Office a minimum of sixty (60) days prior to the scheduled test date. Pursuant to 401 KAR 50:045, Section 7, the Division shall be notified of the actual test date at least Thirty (30) days prior to the test.

   b. Pursuant to 401 KAR 50:045 Section 5, in order to demonstrate that a source is capable of complying with a standard at all times, any required performance test shall be conducted under normal conditions that are representative of the source's operations and create the highest rate of emissions. If [When] the maximum production rate represents a source's highest emissions rate and a performance test is conducted at less than the maximum production rate, a source shall be limited to a production rate of no greater than 110 percent of the average production rate during the performance tests. If and when the facility is capable of operation at the rate specified in the application, the source may retest to demonstrate compliance at the new production rate. The Division for Air Quality may waive these requirements on a case-by-case basis if the source demonstrates to the Division's satisfaction that the source is in compliance with all applicable requirements.

   c. Results of performance test(s) required by the permit shall be submitted to the Division by the source or its representative within forty-five days or sooner if required by an applicable standard, after the completion of the fieldwork.

6. Acid Rain Program Requirements

   a. If an applicable requirement of Federal Statute 42 USC 7401 through 7671q (the Clean Air Act) is more stringent than an applicable requirement promulgated pursuant to Federal Statute 42 USC 7651 through 7651o (Title IV of the Act), both provisions shall apply, and both shall be state and federally enforceable.

7. Emergency Provisions

   a. Pursuant to 401 KAR 52:030 Section 23(1), an emergency shall constitute an affirmative defense to an action brought for noncompliance with the technology-based emission limitations if the permittee demonstrates through properly signed contemporaneous operating logs or other relevant evidence that:
      (1) An emergency occurred and the permittee can identify the cause of the emergency;

SECTION G - GENERAL PROVISIONS (CONTINUED)

(2) The permitted facility was at the time being properly operated;
(3) During an emergency, the permittee took all reasonable steps to minimize levels of emissions that exceeded the emissions standards or other requirements in the permit; and,
(4) The permittee notified the Division as promptly as possible and submitted written notice of the emergency to the Division within two (2) working days of the time when emission limitations were exceeded due to an emergency. The notice shall include a description of the emergency, steps taken to mitigate emissions, and the corrective actions taken.
(5) Notification of the Division does not relieve the source of any other local, state or federal notification requirements.

b. Emergency conditions listed in General Provision G.7.a above are in addition to any emergency or upset provision(s) contained in an applicable requirement [401 KAR 52:030 Section 23(3)].

c. In an enforcement proceeding, the permittee seeking to establish the occurrence of an emergency shall have the burden of proof [401 KAR 52:030 Section 23(2)].

8. Ozone depleting substances

a. The permittee shall comply with the standards for recycling and emissions reduction pursuant to 40 CFR 82, Subpart F, except as provided for Motor Vehicle Air Conditioners (MVACs) in Subpart B:
(1) Persons opening appliances for maintenance, service, repair, or disposal shall comply with the required practices contained in 40 CFR 82.156.
(2) Equipment used during the maintenance, service, repair, or disposal of appliances shall comply with the standards for recycling and recovery equipment contained in 40 CFR 82.158.
(3) Persons performing maintenance, service, repair, or disposal of appliances shall be certified by an approved technician certification program pursuant to 40 CFR 82.161.
(4) Persons disposing of small appliances, MVACs, and MVAC-like appliances (as defined at 40 CFR 82.152) shall comply with the recordkeeping requirements pursuant to 40 CFR 82.166.
(5) Persons owning commercial or industrial process refrigeration equipment shall comply with the leak repair requirements pursuant to 40 CFR 82.156.
(6) Owners/operators of appliances normally containing 50 or more pounds of refrigerant shall keep records of refrigerant purchased and added to such appliances pursuant to 40 CFR 82.166.

b. If the permittee performs service on motor (fleet) vehicle air conditioners containing ozone-depleting substances, the source shall comply with all applicable requirements as specified in 40 CFR 82, Subpart B, *Servicing of Motor Vehicle Air Conditioners*.

SECTION G - GENERAL PROVISIONS (CONTINUED)

9. Risk Management Provisions

   a. The permittee shall comply with all applicable requirements of 401 KAR Chapter 68, Chemical Accident Prevention, which incorporates by reference 40 CFR Part 68, Risk Management Plan provisions. If required, the permittee shall comply with the Risk Management Program and submit a Risk Management Plan to:

      RMP Reporting Center
      P.O. Box 1515
      Lanham-Seabrook, MD 20703-1515.

   b. If requested, submit additional relevant information to the Division or the U.S. EPA.

SECTION H - ALTERNATE OPERATING SCENARIOS

None

SECTION I - COMPLIANCE SCHEDULE

None